

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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FLO RUTHERFORD, \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH  
AND HUMAN SERVICES, \*

Respondent. \*

\* \* \* \* \*

No. 18-487V  
Special Master Christian J. Moran

Filed: March 25, 2020

Stipulation; influenza (“flu”) vaccine;  
endocarditis.

Shealene P. Mancuso, Muller Brazil LLP, Dresher, PA, for Petitioner;  
Daniel A. Principato, United States Dep’t of Justice, Washington, DC, for  
Respondent.

### **UNPUBLISHED DECISION**<sup>1</sup>

On March 25, 2020, the parties filed a joint stipulation concerning the petition for compensation filed by Flo Rutherford on April 3, 2018. Petitioner alleged that the influenza (“flu”) vaccine she received on October 10, 2016, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused her to suffer from endocarditis. Petitioner further alleges that she suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the flu vaccine caused petitioner to suffer from endocarditis or any other injury.

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

**A lump sum payment of \$135,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 18-487V according to this decision and the attached stipulation.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.